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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,292	04/04/2005	Tatsuya Tamura	02309/0202739-US0	4654
7278	7590	06/04/2007		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER HILL, LAURA C	
			ART UNIT 3761	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10530292	4/4/2005	TAMURA ET AL.	02309/0202739-US0

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EXAMINER

Laura C. Hill

ART UNIT	PAPER
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3761

20070525

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Office Action Summary

Application No.

10/530,292

Applicant(s)

TAMURA ET AL.

Examiner

Laura C. Hill

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/4/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. For examination purposes, a foreign priority date of 27 December 2002 has been granted.

Information Disclosure Statement

The information disclosure statement filed 4 April 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Specifically, the document JP 57-117655 does not have an English translation or explained in the specification. It has been placed in the application file, but only the figures have been considered.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Language Interpretation

The term "groove" is set forth by Applicant on page 11, lines 8-11 of the instant specification.

The term "flexible portion" is set forth by Applicant on page 11, lines 17-22 of the instant specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Brisebois et al. (US 6,312,416). Regarding claims 1-2 Brisebois discloses sanitary napkin 20 having liquid absorbent topsheet 42 (column 3, lines 14-20); comprises pattern of bending lines/grooves 102,104 that are created on outer cover/absorbent layer 42, extend in a longitudinal direction, and are laterally spaced apart from a longitudinal centerline 34, a separation distance between bending lines smallest on a lateral/transverse reference line 36; and front and rear end portions having recesses/bending lines extending toward a rear end/distal edge respectively from a starting point located closer to the rear end edge than the lateral reference line 36 and having a portion located between the compressed grooves; the front and rear end edges and front and rear flexible portions located at an equal distance apart from lateral reference line 36 (column 10, lines 11-34; column 12, lines 50-51; figures 1-2).

Regarding claim 3 Brisebois further discloses compressed grooves and front and rear portions are formed in a pattern symmetrical about lateral reference line 36 (figures 1-2).

Regarding claim 4 Brisebois discloses multiple/additional compressed grooves provided side by side (figures).

Regarding claim 5 Brisebois inherently discloses rear flexible portion thickness smaller than a region outside the rear portion without extra recesses present in flexible portions since the extra flexible portions present in the rear portion are compressed regions that necessarily reduce the thickness of the rear portion.

Regarding claim 6 Brisebois discloses hot melt adhesive for adhering the article to the undergarment disposed on garment surface present along the surface area of the article (column 9, lines 28-40).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blanchard et al. (US 2001/0007065) discloses absorbent sanitary napkin 30 comprising liquid absorbent body cover layer 2; hinges/grooves 50 compressed from skin facing side to garment facing side and extending longitudinally and are laterally spaced apart from a longitudinal centerline 11 to provide bending for optimum user fit and controlled bunching, a separation distance between grooves 50 is smallest on a lateral/transverse reference line 2; and front and rear portions with a recess/compressed channels 31 extending towards rear/distal ends 19, 20 from a starting point that is located closer to the rear end edge than lateral reference line 2 with adhesive garment attachment means. Emenaker et al. (US 5,830,296) discloses sanitary absorbent napkin 20 with compressed grooves/embossments 34 with smallest distance at lateral line & front and rear portions w/recesses 34 at a point closer to

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rear/distal end edge. Mizutani (US 5,795,345) discloses sanitary napkin 1 w/embossed grooves 5 having smallest spacing apart at a distance near lateral line III,III. Richards (US 4,059,114) discloses absorbent garment shield w/ two continuous lines of embossments 15 impressed in body-facing surface w/smallest distance at lateral centerline 4-4. Berba et al. (US 6,953,451) discloses sanitary napkin 20 w/embossments 75,76 near transverse centerline 36 and front and rear flexible portions outside embossments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Hill whose telephone number is 571-272-7137. The examiner can normally be reached on Monday through Friday (hours vary).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura C Hill
Examiner
Art Unit 3761

LCH



TATYANA ZALUKAEVA
SUPERVISORY PRIORITY EXAMINER
